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OFFICE OF PETITIONS

In re Application of: :
Hanson et al. :
Application No. 09/997962 :
Filing or 371(c) Date: 11/29/2001 :
Attorney Docket Number: :
026436-9073-US01 : **ON PETITION**

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed February 6, 2012.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed September 28, 2010. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned November 29, 2010.

Applicant files the present petition and reply to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

It is noted that the statement of unintentional delay varies from the rule and has been interpreted to be that the entire delay between the date the claim was due under paragraph (a)(2(ii) and (a)(5)(ii) was unintentional. If this interpretation is not correct petitioner is required to promptly notify this Office.

It is also noted that Applicant filed a three (3) month extension of time with the petition. Applicant is advised that an extension of time is only available to extend the period to reply to an Office action during the extendable reply period. Once the reply period, including the maximum extendable period, has lapsed, the application becomes abandoned (as of the day after the reply was due). No extensions of time are available. A refund of the extension of time fee has been credited to petitioner's credit card.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions